



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 29th August, 2019**

Time: **10.00 am**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Peter Freeman  
Shamim Talukder

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

**Licensing Applications for Determination**

**1. 1 KEYHAM HOUSE, WESTBOURNE PARK ROAD, LONDON, W2 5UH**

**(Pages 1 - 16)**

<u>App No</u>	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	Westbourne Ward/ Not in Cumulative Impact Area	1 Keyham House Westbourne Park Road London W2 5UH	New Premises License	19/07407/LIPN

**2. SUCRE, 47 GREAT MARLBOROUGH STREET, LONDON, W1F 7JP**

**(Pages 17 - 58)**

<u>App No</u>	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
2.	West End Ward/ West End Cumulative Impact Area	Sucre 47 Great Marlborough Street London W1F 7JP	New Premises License	19/07930/LIPN

**Stuart Love  
Chief Executive  
23 August 2019**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.

Item No:	
Date:	29 August 2019
Licensing Ref No:	19/07407/LIPN - New Premises Licence
Title of Report:	1 Keyham House Westbourne Park Road London W2 5UH
Report of:	Director of Public Protection and Licensing
Wards involved:	Westbourne
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 June 2019		
<b>Applicant:</b>	Nilkanth Express Superstore Ltd		
<b>Premises address:</b>	1 Keyham House Westbourne Park Road London W2 5UH	<b>Ward:</b>	Westbourne
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application form the premises are a local supermarket and convenience store selling household goods, grocery and frozen and fresh produce.		
<b>Premises licence history:</b>	The premises have previously held a premises licence (Licence number 10/01797/LIPDP) however the licence was surrendered in July 2018. The application is for a new premises licence		
<b>Applicant submissions:</b>	Following consultation, the applicant has reduced the hours for the sale of alcohol to 08:00 to 23:00		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			None				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police \service
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	11 July 2019 <b>(withdrawn 31 July 2019)</b>
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.</p> <p>There is insufficient detail in the operating schedule to address the Crime Prevention Objective The hours sought for Alcohol and Late Night Refreshment exceed westminsters core hours policy.</p> <p>The premises is located within the Notting Hill carnival Footprint, a locality where there is traditionally high crime and disorder. We have concerns that this application could cause further policing problems.</p> <p>It is for this reason that we are objecting to the application</p> <p><b>Conditions were agreed between the Applicant and the Police and the Metropolitan Police Service withdrew their representation on 31 July 2019</b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	28 June 2019
<p>I refer to the application for a new Premises Licence for the above premises. This representation is based on the Operating Schedule and the ground floor plan of the premises, which is titled with the address and drawing number 2009/07-01.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none"> <li>1. To allow the Supply of Alcohol 'off' the premises Monday to Saturday 07:00-00:00 hours and Sunday 08:00-23:00 hours.</li> <li>2. The provision of Late Night Refreshment Monday to Saturday 23:00-00:00 hours. To also allow this on Notting Hill Carnival weekend</li> </ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> <li>1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area.</li> <li>2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area.</li> </ol> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance.</p> <p>The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area.</p>	

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	10 July 2019
<p>As the Secretary of the Safer Neighbourhood Panel and on behalf of the Chair of the same, I hereby wish:</p> <ul style="list-style-type: none"> <li>- to support the above referenced application as to its hot food part;</li> <li>- to express strong reservations as to its alcohol part.</li> </ul> <p>Extending the licence to sell alcohol beyond 11 pm is likely to increase the risk of anti-social behaviour in and around the Brunel Estate, with a significant number of young people and vulnerable adults in the immediate vicinity.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	2 July 2019
<p>[REDACTED]</p> <p>I strongly object the extension of license, on the basis of potential late night anti social behaviour which may occur. The supermarket is surrounded by the Brunel estate, which is home to many upstanding citizens, but also home for many people with drink, drug and mental problems. I feel a supermarket that is providing alcohol until 12am to pose a serious risk to the safety of local residents, passers-by and themselves. It will place increased burden on already pressured police and health services.</p> <p>I have no problem with the sale of Grocery past their usual close time (which I believe to be 11pm at the moment) but the sale of alcohol should not be allowed. This condition should be on the basis that no rubbish depositing outside the premises will be conducted after 11pm - and general respect for neighbours is exercised by being aware about noise.</p> <p>In summary, I object profusely to this application.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	20 July 2019
<p>The [REDACTED] wishes to lodge objection to this application.</p> <p>We have no objection to an 'off sales' licence on these premises provided following conditions are on licence:</p>	



Hours within WCC 'Core Hours' for 'Off Sales' or less if requested by police as application is for much longer hours on all days  
 No beer / cider over 5.5% APV.  
 No miniatures of spirits (whisky / vodka etc) to be sold  
 All off sales in sealed containers  
 No 'self service ' of alcohol.  
 All alcohol stored behind counter.  
 If wine & beer to be displayed in store we would wish them to be displayed in lockable cabinets that are locked outside hours permitted for sale of alcohol as premises open more than WCC 'Core Hours'  
 Challenge 25 to be in operation at all times.  
 Delivery times & refuse & recycling collections to premises not to be between (2000 & 0800 with Sundays & Bank Holidays 1800 & 0100).

We are concerned as to 'off sales' during the Notting Hill Carnival over the August Bank Holiday. We will be guided by police on this matter but we would want no 'off sales' over the Carnival and also security guards at entrance to premises may be required

More details on type of 'off sales' and assume no delivery from phone order as concerned as to minors ordering alcohol.

As always [REDACTED] always happy to meet or discuss application with applicant and content for this email to be forwarded onto them

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

<p><b>Policy HRS1 applies</b></p>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.  <u>For premises for the supply of alcohol for consumption on the premises:</u>          Monday to Thursday: 10:00 to 23:30          Friday and Saturday: 10:00 to midnight          Sundays immediately prior to Bank Holidays: Midday to midnight          Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>          Monday to Thursday: 09:00 to 23.30          Friday and Saturday: 09:00 to midnight          Sundays immediately prior to Bank Holidays: 09:00 to midnight          Other Sundays: 09:00 to 22:30</p>
<p><b>Policy FFP1 applies</b></p>	<p>Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>
<p><b>Policy OS1 applies</b></p>	<p>Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement</p>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2019
<b>4</b>	Metropolitan Police Service Representation	11 July 2019 (withdrawn 31 July 2019)
<b>5</b>	Environmental Health Service Representation	28 June 2019
<b>6</b>	Interested Party Representation 1	10 July 2019
<b>7</b>	Interested Party Representation 2	2 July 2019
<b>8</b>	Interested Party Representation 3	20 July 2019



**Applicant Supporting Documents**

**Appendix 2**

None submitted

The premises have previously held a premises licence (Licence number 10/01797/LIPDP) however the licence was surrendered in July 2018

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
  - (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule**

- 6. On the Sunday and Monday of the Notting Hill Carnival:
  - a) There will be no sale of alcohol in glass vessels from the premises; and
  - b) There will be no external advertisement of alcohol promotions at the premises.
  - c) There shall be no sale of alcohol from the premises after 20:00 hours.

**Conditions proposed by the Environmental Health and agreed by the applicant so as to form part of the operating schedule**

7. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the *premises* as newsagents/convenience store.
8. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
9. There shall be no consumption of hot food or hot drink on the premises between the hours of 23:00-05:00 hours.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
11. No more than 15 % of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
12. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers, lagers or ciders, sold in glass bottles.
13. There shall be no self service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
14. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
16. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
18. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 07.00 hours.



22. Deliveries to the premises shall only take place between 0700 and 2300 hours.
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

**Conditions proposed by interested party**

25. No beer / cider over 5.5% APV
26. No miniatures of spirits (whisky / vodka etc) to be sold
27. All off sales in sealed containers
28. No 'self service ' of alcohol.
29. All alcohol stored behind counter.
30. If wine & beer to be displayed in store we would wish them to be displayed in lockable cabinets that are locked outside hours permitted for sale of alcohol as premises open beyond WCC 'Core Hours'
31. Challenge 25 to be in operation at all times.
32. Delivery times & refuse & recycling collections to premises not to be between (2000 & 0800 with Sundays & Bank Holidays 1800 & 0100).



Resident Count: 280

**Licensed premises within 75 metres of 1 Keyham House, Westbourne Park Road, W2**

10/01797/LIPDPS	Nisa Local	1 Keyham House Westbourne Park Road London W2 5UH	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
09/04365/LIPRW	Londis	133 Westbourne Park Road London W2 5QL	Shop	Monday to Sunday; 06:00 - 22:00
09/04514/LIPN	The Oak	137 Westbourne Park Road London W2 5QL	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

09/10275/LIPD	Lucky 7	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Restaurant	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00
17/12417/LIPN	Not Recorded	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Restaurant	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00

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Item No:	
Date:	29 August 2019
Licensing Ref No:	19/07930/LIPN - New Premises Licence
Title of Report:	Sucre 47 Great Marlborough Street London W1F 7JP
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 June 2019		
<b>Applicant:</b>	Ba Restaurants Ltd		
<b>Premises:</b>	Sucre		
<b>Premises address:</b>	47 Great Marlborough Street London W1F 7JP	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application for the premises will trade as a restaurant over basement and ground floors		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history.		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day On Sundays immediately prior to Bank Holidays to 00:30					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day On Sundays immediately prior to Bank Holidays to 00:30					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day On Sundays immediately prior to Bank Holidays to 00:30					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	26 July 2019
<p>I refer to the application for a new Premises Licence for the above premises which are located in the West End Cumulative Impact area.</p> <p><b>The applicant has submitted the following plans of the premises:</b></p> <ul style="list-style-type: none"><li>• Ground Floor drawing no 500, rev A, dated May 2019.</li><li>• Basement drawing no 501, rev C, dated May 2019</li></ul> <p><b>The following licensable activities are being sought:</b></p> <ol style="list-style-type: none"><li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 to 00:30 Monday to Saturday and 12:00 to 22:30 Sunday</li><li>2. Provision of Late Night Refreshment 'Indoors' 23:00 and 00:30 Monday to Saturday</li><li>3. Non-standard times for all the above licensable activities on Sundays immediately prior to bank holiday 12:00 until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</li></ol> <p><b>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</b></p> <ol style="list-style-type: none"><li>1. The hours requested for and the Supply of Alcohol may impact on Public Safety and may lead to an increase in Public Nuisance in the West End Cumulative Impact Area</li><li>2. The Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area</li><li>3. Non-standard times for all the above licensable activities may impact on Public Safety and may lead to an increase in Public Nuisance in the West End Cumulative Impact Area</li></ol> <p>Environmental Health also makes the following further comments:</p> <ul style="list-style-type: none"><li>• The hours requested are beyond 'core' hours.</li><li>• Some conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns</li><li>• It is unclear if the premises have already undergone refurbishment for the proposed use. The premises will need to be assessed for Public Safety on completion and an appropriate safe capacity restriction determined based on the District Surveyor's Technical Guidance on Places of Entertainment.</li><li>• The provision of sanitary accommodation for any proposed public capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff.</li><li>• The premises will also need to be assessed for its food preparation/cooking facilities to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of</li></ul>	

any plant and machinery.

The applicant is requested to contact the undersigned to discuss the above and to arrange a site visit after which Environmental Health may propose additional conditions.

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Angela Seaward
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<b>Received:</b>	25 July 2019
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Dear Sirs

I write in relation to the application submitted for a new premises licence for 47 Great Marlborough Street, London, W1F 7JP

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

The application seeks the following Licensable Activities:

**Late Night Refreshment:** Friday to Saturday: 23:00 – 00:30

**Retail by Sale of Alcohol On and off the premises:** Monday to Saturday: 10:00 – 00:30  
Sunday: 12:00 – 22:30

**Opening Hours** Monday to Saturday: 07:00 – 01:00  
Friday to Sunday: 07:00 – 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, RNT2 and PB2.

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours of which the policy states that applications for hours outside the core hours set out below will be considered on their own merits. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

Monday to Thursday: 10:00 – 23:30  
Friday and Saturday: 10:00 – 00:00  
Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to consider reducing the hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1.

The applicant proposes to operate the premises as a restaurant and has subsequently offered the full model condition 66 to fall in line with the council policy RNT2 of which it is the council's policy to grant application subject to other policies. However, the operating schedule suggests the premises will also operate the use of an ancillary bar area with the proposed condition.



- Notwithstanding condition 1 customers may be supplied alcohol in the basement before, during or after their meal

Paraph 2.5.3 states that the council is particularly concerned that restaurant premises in the cumulative impact areas do not, event in part, come to operate as bars. Therefore the ancillary bar area aspect of this application must be considered under the Council's PB2 Policy of which Paragraph 2.5.23 of the Council's Statement of Licensing Policy states that it is of particular concern in Cumulative Impact Area where there had been a growth in the number of premises that primarily serve alcohol, resulting in or adding to cumulative impact. On the basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the cumulative impact area should be limited to exceptional circumstances.

The Licensing Authority would like the applicant to provide further submissions into how the ancillary bar area will be operated and controlled i.e will the bar area be waiter/waitress service and what will be the capacity in terms of numbers? Also according to the plans submitted with the application, there appears to be a bar area on the ground floor and therefore would encourage the applicant to provide further submissions on how this area will operate as well.

The Licensing Authority also notes that the applicant has applied for the Sale of Retail of Alcohol on and off the premises, the application form described the proposed operation of the premises as a restaurant and therefore would encourage the applicant to provide further submissions and information as to the proposed operation of 'Off Sales' from the premises and how this is intended to be operated and controlled from the premises, to ensure that there is no adverse impact within the West End Cumulative impact area.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 July 2019
<p>We write to make a relevant representation to the above application on behalf of [REDACTED] [REDACTED]</p> <p>[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.</p> <p><b>About [REDACTED]</b> [REDACTED] is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.</p>	

### **Application summary**

Late night refreshment: Mon -Sun 23.00-00.30

Supply of alcohol: Mon - Sat 10.00-00.30. Sun 12.00-22.30

Hours open to the public: Mon-Sat 7.00-01.00. Sun 7.00-23.00

We are concerned about this application as it is currently presented on the grounds that the proposed sale of alcohol is outside core hours as defined by Westminster Council Licensing Policy and the hours open to the public are quite late, with people leaving at 1am six days a week.

We are also somewhat confused by some of the proposed conditions submitted by Thomas & Thomas and seek clarification of the following:

Proposed condition 1(vi) states that the premises shall only operate as a restaurant "*where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*" This appears to be contradicted by condition 6 which allows for alcohol to be sold for consumption off the premises.

Condition 2 states that: "*...customers may be supplied alcohol in the basement before, during or after their meal.*" Is this a proposed bar area?

Lastly, given the large premises capacity of 300, there seems to be no provision for SIA security personnel, particularly when people are leaving the premises.

### **Licensing policy**

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

Please let us know if any proposals are made to amend the application; particularly in respect of the opening hours, basement drinking area and general conditions.

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Policy CP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

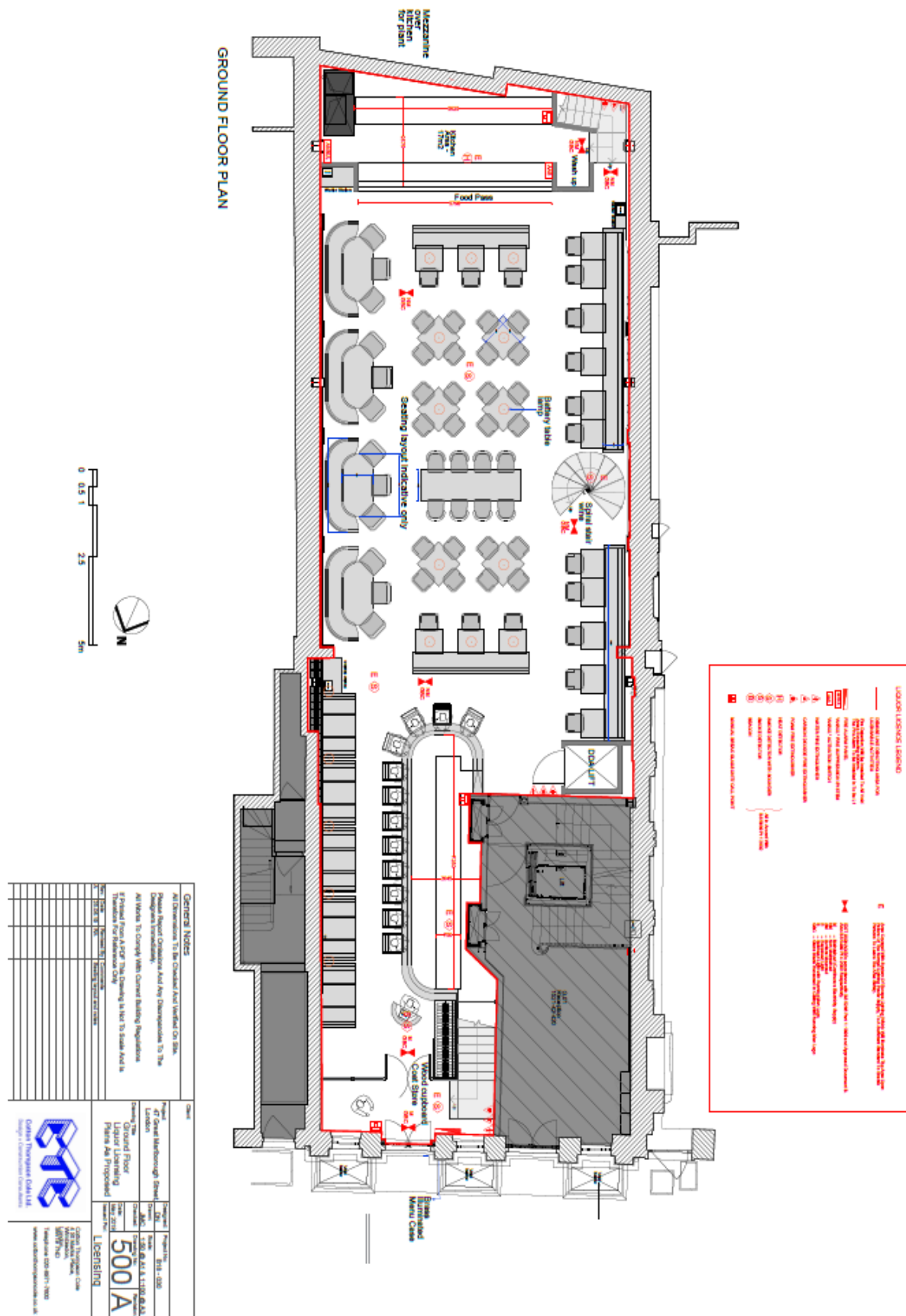
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Representation	26 July 2019
<b>5</b>	Licensing Authority Representation	25 July 2019
<b>6</b>	Interested Party Representation	26 July 2019





## Concept presentation



## INTRODUCTION

This presentation has been prepared to support an application for a new Premises Licence at 47 Great Marlborough Street, W1F 7JP.

The premises will operate as Sucré, a new London sister restaurant of the highly-acclaimed original in Buenos Aires. The purpose of this presentation is to provide further background on Sucré, the team behind it and the intentions for the London restaurant.

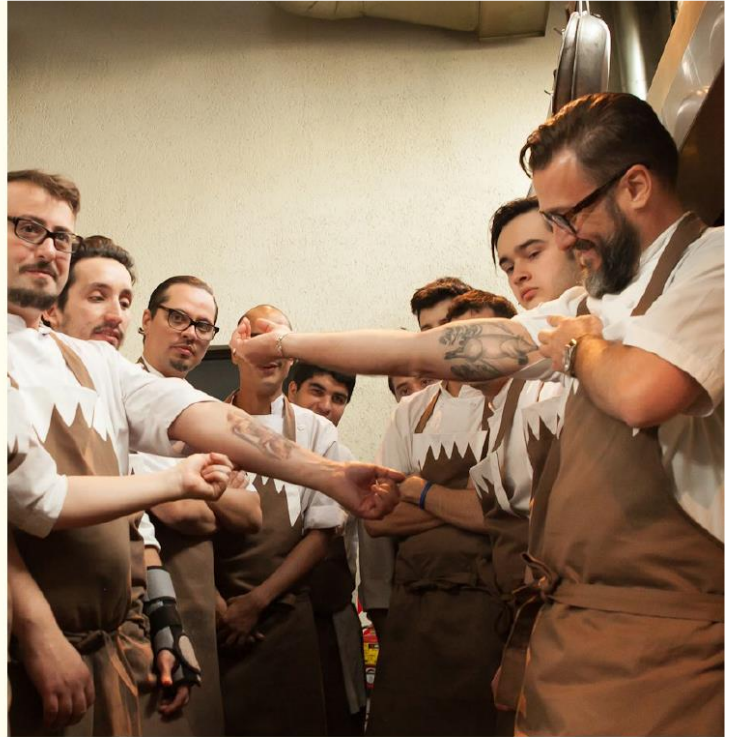
Sucré's demise of the building comprises the majority of the ground and basement floors, throughout which licensable activities will be provided.

The restaurant, under the leadership of internationally-renowned chef, Fernando Trocca, will combine traditional open-fire cooking techniques with the finest seasonable produce and a modern and creative approach.

The ground floor will offer guests a high-end dining experience, complemented by an impeccably curated and fantastic value wine list. In the basement, a more casual food menu will be available for more relaxed dining. The restaurant will offer all-day dining, seven days a week.

Sucré is being brought to London by an operational team with extensive experience of running high-end restaurants in complex central London locations. The Sucré team is extremely excited to have the opportunity to work with such a beautiful building to bring a new destination dining location to the area, as well as creating a high quality but accessible amenity for the local community of residents and workers.

Since opening in Buenos Aires in 2001, Sucre has been at the forefront of contemporary Argentine cuisine. Repeatedly featuring in Latin America's 50 Best Restaurants, Sucre has become an institution of South American gastronomy, renowned for its commitment to the finest organic seasonal produce and its imaginative, modern, yet down-to-earth vision of Argentine cooking.



HISTORY



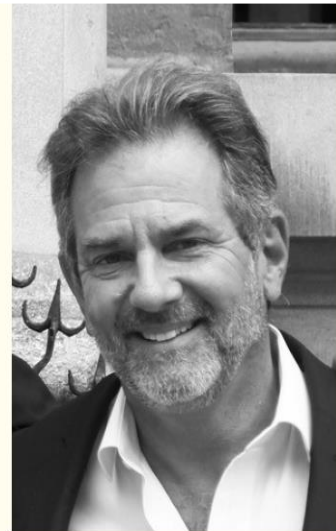
FERNANDO TROCCA

Fernando is the chef/owner and creative vision behind Sucre's cuisine. Having trained in Argentina's most prestigious kitchens and undertaken several staves across Europe and the US, he launched Sucre in Buenos Aires in 2001. Since then, Sucre has featured in Latin America's 50 Best Restaurants repeatedly and Fernando has become an internationally recognised culinary personality.



TATO GIOVANNONI

Tato was head bartender when Sucre opened in 2001 and has gone on to become Latin America's most renowned mixologist, with a number of restaurants and bars in Argentina and Brazil. He opened Floreria Atlantico in 2012, which is currently ranked #14 in The World's 50 Best Bars and the best bar in Latin America. Tato will be the creative force and leader behind Sucre's cocktail list.



ZEEV GODIK

As founder and former CEO of the Gaucho Group, Zeev has over 40 years of international expertise in the restaurant industry and is one of the best-known global ambassadors of Argentine cuisine. Zeev now oversees River Walk Group, a new hospitality group based in London, which will be responsible for the management of Sucre.

TEAM





## FOOD

Sucre's food embodies the unique gastronomic melting pot of Buenos Aires in which Italian and Spanish influences meet other Latin American cooking cultures, benefitting from the unparalleled biodiversity of Argentina. Stretching over 2000 miles from north to south, encompassing grasslands, mountains, coast and desert, Argentina produces some of the finest and most varied ingredients in the world.



Sucre respects produce and provenance above all else and is inspired by Argentina's unique collision of cultures and ecosystems. It takes the core tenets of classic Argentine cuisine – the incredibly varied natural abundance and traditional wood fire cooking craft – and shakes them up to create something new, exciting and utterly distinct.



## STARTERS

Stracciatella with Organic Tomatoes  
*Stracciatella cheese, figs, red onion, raspberry vinegar*

White Fish Boquerón  
*Pipian, crispy wheat, lemon*

Grilled Sweetbreads  
*Potatoes, capers, Alioli*

Squid a la Plancha  
*Blood sausage, romesco sauce, Andalusian garlic*

Artisnal Pork Sausage  
*Fennel, pickles, homemade mustard*

Organic Market Vegetables

## MAINS

Ossobuco Risotto  
*Bone broth, 7-hour braised ossobuco*

Homemade Black Pappardelle with Langostines  
*Crustacean broth, pepperoncini*

Homemade Panzotti with Santa Cruz Lamb  
*Sheep cheese*

Patagonian Monkfish  
*Pak choi, legume puree, clam broth*

Slow Cooked Beef Cheek  
*Creamed potato, organic carrots*

Rotisserie Roasted Pork Chest  
*Sweet potato, fennel, pistachio*

Premium Certified Beef Ribeye  
*Grilled on Quebracho wood, organic asparagus, crispy cheddar*

Premium Cut of the Day  
*Grilled on Quebracho wood, fingerling potatoes, garnish of the day*

## DESSERTS

Dulce de Leche Volcano  
*Banana sorbet*

Chocolate and Chili Taco  
*Vanilla cream, black current*

Passion Fruit Tart  
*Mango, mascarpone, macadamia nuts*

Strawberry Pavlova  
*Lemon curd, blueberries, raspberries*

Artisanal Patagonian Cheese  
*Organic honeycomb, walnuts, winter fruits*

SAMPLE MENU FROM BUENOS AIRES RESTAURANT

## GROUND FLOOR

The ground floor will include the main dining room, a wine and tapas counter and the open kitchen. The wine counter will also serve as the dispense bar for the ground floor dining room.

The interior design will be extremely sympathetic to the existing architectural features, retaining the ornate panelling and complementing it with rich, natural materials to create a refined but relaxed environment.



## BASEMENT

The basement will include a more casual sub concept, Abajo, offering a different menu of more relaxed food, still based around the open fire, combined with world-class cocktails by Tato Giovanni. Abajo will also serve as a holding bar for guests waiting for tables on the ground floor on busy nights, or wishing to enjoy an after-dinner drink in a different environment. The basement will also house a private dining room, WCs and additional back of house facilities.

The interior design in the basement will also take a less-is-more approach, building on the existing brick walls, exposed wooden ceiling joists and historic steel columns to create a more raw and industrial effect.





SUCRE

Management Plan &  
Dispersal Policy  
-  
47 Great Marlborough  
Street

## **Introduction**

This statement has been prepared to support an application for a new Premises Licence at 47 Great Marlborough Street, W1F 7JP. The premises will operate as Sucre, a new London sister restaurant of the highly-acclaimed original in Buenos Aires.

Sucre's demise of the building comprises the majority of the ground and basement floors, throughout which licensable activities will be provided.

The ground floor will offer guests a high-end dining experience, and will include the main dining room, a wine and tapas counter and open kitchen. The wine and tapas counter will also serve as the dispense bar for the ground floor dining room.

In the basement, a more casual food menu will be available for more relaxed dining. This more casual sub-brand, Abajo, will also serve as a holding bar for guests waiting for tables on the ground floor on busy nights, or wishing to enjoy an after-dinner drink in a different environment. The basement area will also include a private dining room, WCs and back of house facilities.

The restaurant will offer all-day dining, seven days a week.

## **Code of Conduct & Staffing**

Sucre will operate with a General Manager and permanent team consisting of management, kitchen staff, waiting staff and reception/security staff. The staff will be extensively trained to ensure high levels of hospitality, cleanliness, friendliness and security. Sucre is committed to working with its neighbours to sympathetically bring the beautiful building at 47 Great Marlborough Street into public use and create a welcoming and valued amenity for local residents and the wider Soho community.

Behaviour of staff and guests on and off the property will be carefully managed to ensure no adverse impact or disruption to local residents. Sucre will continually risk assess the requirement for an appropriate level of security with approved SIA supervisors on duty during busier times to supervise guests, both within and vacating the building at night.

The designated community contact will always be the General Manager. Any issues affecting local residents should be notified to this person, who will deal with them accordingly. There will always be management presence during the hours of operation should local residents wish to raise any issues which arise as a result of the operation at any time at all.

Should a complaint be submitted, it will be dealt with promptly by the General Manager. Once a complaint is received, the General Manager will carry out a full and thorough investigation. They will aim to resolve the complaint within 24 hours.

## **Disability Awareness & Accessibility**

Sucre intends to enable the widest range of people to enjoy the restaurant, regardless of age or disability. Accessibility design has been prepared with reference to the following good practice:

- Accessible London: Achieving an Accessible Environment, Appendix 9.
- BS8300: 2010.

The implications of the Equality Act (2010) have also been considered. Accessibility will be kept under constant review, particularly bearing in mind any future feedback from staff and guests.

Sucre staff training will include a section dealing with disability equality and assisting disabled people. This will be included within courses for both new members of staff and as part of the ongoing refresher courses for existing staff.

A member of staff will be nominated as Accessibility Coordinator at Sucre who will monitor customer feedback and be tasked with improving operational procedures to assist disabled people using the restaurant and updating the accessibility policy.

Policies and procedures will be established for a number of key issues, including the following:

- Enquiries and booking procedures will be established to ensure an inclusive approach.
- The emergency egress procedures for evacuating Sucre will consider the procedures necessary to assist disabled people to escape from all areas of the restaurant.
- A Personal Emergency Evacuation Plan (PEEP)

## **Information**

Information will be available to potential guests on the accessibility prior to arriving at Sucre, including particular advice for disabled and older people. Information will be available on how to reach the restaurant via bus, underground, car and taxi.

Information regarding onward travel after visiting Sucre, particularly in the evening, is also vitally important. This will help guests to plan their journey home and therefore facilitate a quick and quiet departure from Sucre in accordance with the dispersal policy below.

## **Servicing & Deliveries**

The restaurant will be serviced daily.

Deliveries will be carefully organised within specific times and guidelines to reduce the potential risk of disturbance caused to local residents. The proposed delivery and servicing times are:

<b>Servicing &amp; Delivery Schedule</b>							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Waste / Recycling</b>	11pm	11pm	11pm	11pm	11pm	11pm	10pm
<b>Food</b>	7-11am	7-11am	7-11am	7-11am	7-11am	7-11am	
<b>Beverage</b>	7-11am	7-11am	7-11am	7-11am	7-11am	7-11am	
<b>General Supplies</b>	7-11am	7-11am	7-11am	7-11am	7-11am	7-11am	

### **Daily Upkeep and Cleaning**

The front of house spaces, kitchen and back of house, WCs and external entrance will be cleaned throughout the day to ensure high levels of standard and appearance. These areas will be monitored by restaurant management. Sucre is conscious of energy consumption. Checklists and building management systems ensure that heating, air conditioning and lighting is switched off when not in use.

### **Entry Controls**

There will be a reception area which will be manned throughout operating hours, where all guests will be greeted upon entering the building. During busier times, there will be an approved SIA supervisor stationed at the main entrance.

The restaurant will have CCTV cameras both internally and externally, including at the main entrance and fire exit. Recordings will be kept for the minimum 31 days.

When necessary, security levels will be increased at the main entrance in order to ensure guests are looked after in a safe environment. There will be members of the team located at the main entrance controlling the arrival and departure of guests and vehicles in an orderly fashion.

All staff will be trained to a very high standard in operating procedures and customer service and will receive the required health and safety and fire procedure training with regular updates.

### **Smoking**

There will be no on premises external smoking area. Smokers will be directed by staff towards Oxford Street via Ramillies Street to smoke.

An appropriate number of smokers and designated smoking area will be agreed with the Licensing Authority in accordance with the premises licence conditions. The initial proposal is for a maximum number of 10 guests permitted to smoke outside at any one time.

The smoking policy will be kept under constant review following any feedback from local residents or the Responsible Authorities.

## **Dispersal**

The objective of the Sucre dispersal policy is to ensure a quiet, controlled and swift dispersal of guests without having any adverse impact on the local area.

Sucre is committed to working in partnership with the Responsible Authorities in respect of the dispersal of guests. In addition, Sucre will always listen to any concerns or suggestions made by the local community in respect of all aspects of operation, particularly dispersal.

Despite the central London location of the restaurant, Sucre will ensure employees and guests are aware that local residents live in the area.

### Dispersal

The sole point of dispersal is the main entrance on Great Marlborough Street. Staff and/or SIA supervisors will carefully supervise this exit during busy periods.

From this exit, guests will be directed to disperse left as they leave the building directly towards Regent Street / Oxford Circus. Guests will be reminded to leave quietly and encouraged not to loiter or make excessive noise as local residents live in this area. This is particularly important later in the evening. Guests will be expected to leave by foot, taxi or the area's numerous transport links (see below).

### The Role of SIA Supervisors

SIA supervisors will be employed on an operational risk-assessed basis. They play a vital role in effective dispersal. Additional SIA supervisors will be required during especially busy times.

SIA supervisors will be appropriately trained in the general operation of Sucre. They will receive specific briefings at the start of shift. SIA supervisors will work to support Sucre's management in the dispersal process. They will be familiar with the procedures set out in this Dispersal Policy.

### City of Westminster Responsible Authorities

Sucre's management is committed to partnership working with the Responsible Authorities. If necessary, the City of Westminster Licensing Authority and/or Police Licensing Team may be consulted in respect of any aspect of dispersal or changes to this dispersal policy.

### Transport

Sucre is well serviced by public transport links, as set out below. All staff will be familiar with the transport links so they can advise guests when required. Information regarding transport links will be made available to persons attending the restaurant in advance.



## Tube

Oxford Circus, Piccadilly Circus, Bond Street and Tottenham Court Road tube stations are within walking distance of Sucre. Oxford Circus can be used to access the Victoria, Bakerloo and Central Lines as well as Night Tube services. Piccadilly Circus, Bond Street and Tottenham Court Road can be used to access the Piccadilly, Northern, Jubilee lines and the future Elizabeth Line.

Where necessary, guests will be given directions to the relevant tube station and reminded to reach the station as quietly and as quickly as possible when they leave.

## Overground & Rail

Victoria, Paddington, Liverpool Street, Euston, Waterloo and Kings Cross St Pancras are easily reached by tube, bus or taxi.

Where necessary, guests will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

## Buses

Sucre is well serviced by public buses. TFL bus services, including 24-hour routes and night buses, are accessible by bus stops in the area. Buses travel to a variety of destinations throughout London.

Bus routes include, but are not limited to: 10, 23, 73, 88, 94, 139, 159, 390, 453, N73, N113 and the N207.

Staff will be familiar with the local bus services and will advise guests accordingly

## Taxi

Local licensed taxi companies operate in the area. Guests are also expected to use Uber or similar licensed taxi services.

Guests will be encouraged to wait inside the building for their taxi to arrive. This will avoid any unnecessary loitering/waiting on the street and allow guests to go straight to their waiting car.

Black cabs are also readily available. Guests will be directed right out of the main exit straight to Regent Street to hail a black cab.

## **Conclusion**

Sucre aims to integrate within the local community and ensure all persons working in or visiting the restaurant do so taking into consideration the local area and its residents. Sucre will keep in regular contact with local residents ensuring the management team recognise their views and keep residents updated regularly.

BA RESTAURANTS LTD, SUCRE 47 GREAT MARLBOROUGH STREET, LONDON W1F 7JP

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Application for a Premises Licence  
City of Westminster Statement of Licensing Policy  
Policy Submission

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**Introduction**

1. The application seeks authorisation for a restaurant on ground floor and basement level of 47 Great Marlborough Street, with a designated restaurant bar area in the basement. Alcohol sold in the basement will only be to restaurant customers before, during or after a meal. This area will not be visible by general members of the public passing by at street level.
2. The Premises is located in the West End Cumulative Impact Area so policy CIP1 applies, with Policy RNT2 applying in respect of restaurants in a Cumulative Impact Area. HRS1 applies as the hours sought are slightly later than core hours.
3. Whilst the Application includes an ancillary restaurant bar use, taken as a whole the application is primarily for a restaurant, which fall into CIP1(ii) requiring a demonstration that it will not add to existing cumulative impact.
4. The ancillary restaurant bar sought does not align the Premises with those of the nature which undermine the reasons for having the policy, described in Policy paragraph 2.4.1.
5. There are no representations from individual local residents or from the Metropolitan Police Service. Representations focussing on policy have been submitted by Environmental Health, the Licensing Authority and the Soho Society.

**Policy CIP1**

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

6. The applicant submits that the proposed restaurant will not add to cumulative impact and will not undermine the underlying reasons for the policy in paragraph 2.4.3. This is because the proposed restaurant will not be the type of premises associated with cumulative impact and comprehensive conditioned controls will be implemented to ensure the promotion of all four Licensing Objectives.
7. *“The Licensing Authority’s view”* as stated at paragraph 2.4.25, is *“that cumulative impact in the Cumulative Impact Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises.”* This application is not for any of those types of premises.

#### **Policy HRS1 – Hours**

*(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.*

***(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following...***

8. The applicant recognises the proposed hours are slightly outside the City Council’s core hours. Paragraph 2.1.4 acknowledges that the City Council may consider staggered closing times in relation to individual premises decided on a case by case basis.
9. Paragraph 2.4.14 also recognises that different types of premises have different impacts *“It is necessary to recognise that activities in restaurants continue after licensable activities have ended for longer than in many other types of premises”*. As a result, the policy acknowledges in the same paragraph that the City Council may depart from the core hours policy in certain circumstances. *“The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property”*.
10. So far as the applicant is aware, there are no local residents likely to be affected in the immediate vicinity, and no individual residents have objected to the application. The applicant submits that the nature of the application allows the City Council to grant the later hours proposed.
11. Paragraph 2.5.14 distinguishes premises closing by 1.00am and those closing later *“When considering applications for the sale of alcohol after 01:00 where representations are made on the grounds of prevention of crime and disorder or public nuisance, the council will take into account the increased likelihood of crime and disorder and the greater disturbance from activities late at night”*.

12. The applicant agrees that music and dance premises opening later than 1.00am can present a high risk of adversely affecting the licensing objectives. The proposed terminal hour of 00.30am for licensable activities and closing hour of 1.00am at a restaurant provided to members of the public is consistent with the policy.
13. The relevant Policy considerations are addressed as follows:
- The nature of the restaurant use and being a premium restaurant is not likely to impact upon crime and disorder.
  - The high quality nature of the overall offer, expertise of the applicant, management procedures and comprehensive schedule of licence conditions will ensure the premises is compliant with policies CD1, PS1 and PN1.
  - A comprehensive schedule of proposed model conditions has been included in the operating schedule.
  - The application appends an operational management statement that incorporates a comprehensive dispersal policy. This will ensure customers leaving the premises will do so quickly and quietly without causing a nuisance to local residents.
  - The premises has the benefit of being extremely close to Oxford Circus tube station and also Piccadilly Circus, with the additional benefit of 3 tube lines (Victoria, Central and Piccadilly lines) running 24 hours on Friday and Saturday evenings. The premises is a short walk from both Oxford Street and Regent Street, both very busy through routes and used by a large number of night buses and taxis. This will assist in the dispersal of people from the premises throughout the night.
  - The proposed hours are within the 1.00am threshold set out in paragraph 2.5.14 of the policy.

#### **Policy RNT2 - Restaurants within the Cumulative Impact Areas**

***“Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that this will not add to cumulative impact in the Cumulative Impact Areas.”***

14. The Policy accepts at paragraph 2.5.12 that *“The wide variety of restaurants is a feature of Westminster and contributes to its status as a world class city. Restaurants of various types attract people over a wide range of ages. Restaurants where there is no music and dancing, where customers are seated and served at tables, may appeal particularly to families or older customers. It is recognised that restaurants, as defined in this section, have little association with crime and disorder”*. Furthermore, Appendix 12 “Supporting data and evidence” of the Policy evidences that, on average in the Borough, for every 10 restaurants, there were just 3 violent incidents in a year.
15. Paragraph 2.5.3 states exactly what a restaurant is under Policy *“For the purposes of this policy a restaurant is therefore defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not*

*provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.* This accurately reflects what the application seeks, together with an area for a restaurant customer to enjoy an alcoholic drink in the basement after a meal, provided the drink remains ancillary to their meal.

16. In addition, the Council's recently published report "Developing an Evening and Night Time Vision" (March 2019) articulates that council's commitment to "*remain a major night time destination, balancing the needs of residents, visitors and businesses.*" It is submitted that the Applicant's restaurant is the very type of premises which is envisaged and the Applicant requests the Council's support in licensing a Premises in suitable location for this business accordingly.

#### **Policy PB2 - Public Houses and Bars in the Cumulative Impact Areas**

17. The primary use of the Premises is clearly that of a restaurant. The applicant seeks the ability to sell alcohol in the basement to customers before, during or after a meal. The applicant submits that a restaurant bar appropriately conditioned in this way does not undermine the policy objectives of Policy PB2. The Applicant submits that the application can therefore be considered outside the usual policy presumption in policy PB2. If Policy PB2 does apply, its application should be limited to the Applicant's proposed use of the basement only.
18. Paragraph 2.5.22 describes PB2 as "*premises that primarily serve alcohol*". Furthermore, at 2.5.23 provides further assistance that "*the hours and **extent of the use of the bar and the effect on cumulative impact in the Cumulative Impact Areas.***" It is also recognised that premises serving alcohol to persons seated are less likely to undermine the licensing objectives.
19. Paragraph 2.5.3 of RNT2 recognises that restaurants can have ancillary bar areas, as is requested in this application and be determined under policy RNT2 not PB2; "*The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal. Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached*".
20. Paragraph 2.4.5 provides that "*The Licensing Authority's policies in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of the licences on the area as a whole.*" This is a restaurant licence and not a pub or bar licence, model condition 66 is offered to that effect and policy states at 2.5.3 that the reason for it is to prevent high vertical drinking premises, which is not at all what is sought here: "*The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate*

*as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening.”*

#### **Policy CD1 – Prevention of Crime & Disorder**

21. The relevant Policy considerations are addressed as follows:-

- The nature of the restaurant use is not likely to impact upon crime and disorder.
- A comprehensive schedule of proposed model conditions has been included in the operating schedule.
- The conditions ensure the Premises Licence will be properly conditioned from a Policy perspective and that the Premises promotes the Licensing Objective of the Prevention of Crime and Disorder.
- The Applicant and management team have a plethora of relevant experience as operators of high end licensed premises. The ownership team will be complemented by a management team experienced in operating licensed premises.
- The management procedures will complement the proposed model conditions set out in the operating schedule of the application to ensure the promotion the Licensing Objective of the Prevention of Crime and Disorder.
- The premises will operate as a premium and conditioned restaurant. It will not operate as a pub or bar. The modest restaurant bar area will be appropriately controlled by licence conditions, serve restaurant customers only and operate consistent with the planning consent.
- There will be no facilities for dancing at the Premises.
- The Premises will be set out with tables and chairs in accordance with the restaurant use.

#### **Policy PN1 – Prevention of Public Nuisance**

22. The relevant Policy considerations are addressed as follows:-

- There will be no regulated entertainment. Recorded music will be played at background levels consistent with the restaurant use.
- The Premises planning consent provides strict conditions to prevent noise and vibration emanating from the Premises (conditions: 11 - 16).
- The nature and scale of the use is unlikely to adversely impact upon the Licensing Objective of the Prevention of Public Nuisance.
- Comprehensive management procedures will be implemented to ensure the Premises has no adverse impact on the local environment. These will include policies on delivery times, refuse collections, waste storage and street cleansing etc.
- The Premises is located on just outside the central Soho community area. It is located on a busy vehicular road with high levels existing ambient noise, and, so far as the applicant is aware, no local residents living in the immediate vicinity are likely to be affected by the restaurant.

## Policy CH1 – Protection of Children from Harm

23. The relevant Policy considerations are addressed as follows:-

- A Challenge 25 age verification scheme will be implemented.
- The nature of the premium restaurant use is unlikely to attract underage persons to the Premises.
- The target clientele is expected to be aged 25 and over.

## Appendix 12 – Supporting data and evidence

24. The Policy recognises throughout the low risk that restaurants present. It is well acknowledged that restaurants contribute to Westminster's status as a world class city and "*it is recognised that restaurants, as defined in this section, have little association with crime and disorder*" (paragraph 2.5.12).

25. Paragraph 2.5.13 of the Policy, and paragraph 39 of the appendix, demonstrate the low risk that restaurants present versus other types of licensed premises. A study of crime reports in Westminster from April 2009 – March 2010, showed that for every 10 restaurants there were just 3 violent incidents in the year compared to 37 for every 10 nightclubs. The contrast between drink led premises and genuine restaurants is notable, restaurant premises operate in a very different way and cater to a different clientele to that of drink led premises.

26. The low risk Premises Licence application follows the policy and promotes the licensing objectives by being a food led operation with no regulated entertainment, run by an experienced management team within a premium designed space. The premises has a fully seated layout inside a spacious venue, with no need for crowding or queues, and will attract a mature clientele base. It is acknowledged in Westminster's Policy (paragraph 2.4.15) that customers who have been seated and not overcrowded behave differently to those who have been in high energy, drink led premises with limited seating. They are less likely to talk loudly and more likely to leave in a quieter manner.

27. As paragraph 28 of the appendix sets out, the analytic study preceding the Government's Alcohol Harm Reduction Strategy recognises that aggression/violence and the likelihood of those actions are heavily influenced by characteristics of licensed premises and the surrounding environment. Factors in the surrounding environment include transport, the premises is located on Great Marlborough St just off Oxford St and Regent St both very busy through routes and used by a large number of night buses and taxis, with Oxford Circus tube station under 0.2 miles walk away offering a 24 hour service on Friday and Saturday nights on both the Victoria & Central lines. The applicant and the application itself, including all supporting documents, make clear that they would enhance Westminster's night-time economy.

## Conclusion

28. Whilst the Premises is in the West End Cumulative Impact Area, it will primarily operate as a restaurant and will not add to existing cumulative impact because:

- a. The proposed hours are within the threshold set out in the RNT policy at paragraph 2.5.14.
- b. The Premises will not be the type of the premises that adds to cumulative impact because of the restaurant use and because of the calibre of the applicant.
- c. There is no realistic possibility that the Premises will have any direct adverse impact on local residents given its specific location on Great Marlborough Street.
- d. There are no individual local resident objections.
- e. The restaurant bar area will serve restaurant customers only and will not be visible from the street given its basement location.



## Submissions from Interested Party

I have been asked to represent the [REDACTED] at the hearing of this application on 29 August.

[REDACTED] submitted a relevant representation dated 26 July 2019, raising a number of points. The representation was and is chiefly concerned with the proposed hours being significantly outside the 'core hours' specified in Policy HRS1. [REDACTED] also commented on a number of the conditions proposed with the application. I will deal with these as necessary at the hearing.

It is anticipated that the major point of difference between the parties will be the proposed hours. [REDACTED] view is that a new premises licence with a large capacity (300) should not be granted hours beyond the 'core hours' in the cumulative impact area.

The ground floor of the premises would be subject to Model Condition 66, which is welcomed. However, the basement of the premises is not covered by MC66. This raises the prospect of customers being able to drink without food prior to their meal or, of more concern, after their meal. This concern is directly referred to in the City Council's Statement of Licensing Policy (SoLP).

With the late terminal hour, this would negatively impact on dispersal. There is no indication of the capacity of the basement, or how many customers would be permitted to drink without food. Should the application be reduced to and/or granted to 'core hours' and customers required to be seated in the basement, we would have less of a concern with this condition.

It is noteworthy that the planning consent for the premises (ref: 17/05944/FULL) restricts the hours to significantly less than those applied for in the instant application, in addition to containing further safeguards over and above those set out in the instant application. I have set out in the attached document the relevant planning conditions, for Members' information.

### Statement of Licensing Policy (SoLP)

The following sections are relevant:

Policy HRS1:

*(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.*

*(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:*

Policy CIP1:

*(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.*

*(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.*

Policy RNT2:

*Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.*

Clearly, then, the applicant will need to demonstrate to the Sub-Committee that the application will not add to cumulative impact. Key to this assessment is the efficacy of any procedures the applicant has developed for dispersal of customers. Noise and other nuisance from customers leaving a premises (and it is important to note that it is not suggested that customers will be behaving badly) is more likely to affect residents the later the hour it happens (see para 2.2.12 of the SoLP).

Para 2.5.14 directly addresses the issue of restaurant premises being able to continue to sell alcohol to customers after their meal i.e. when the alcohol can be reasonably said to have ceased to be truly 'ancillary'. Its states (my emphasis):

***'New restaurant premises will generally be granted the core hours (for premises that serve alcohol for consumption on the premises) in line with Policy HRS1. These are times when customers are permitted to be on the premises. The granting of later hours for restaurants would depend on the extent to which the service of customers, closing up operations and customers leaving premises would be likely to give rise to public nuisance and crime and disorder. This would take into account the extent of activities, the operation of plant and equipment and the proximity of residential property. If there are representations made, conditions may be imposed that the sale of alcohol in restaurants later than core hours must be as part of the continuing service and consumption of a table meal at the same table. i.e. no retiring to the bar (sic) This is in order to ensure that restaurants continue to function as restaurants and not as late-night bars.'***

██████████ position

1. The application should be restricted to 'core hours' throughout.
2. If an area in the basement is to be delineated for customers prior to or after dining, it should be limited in size/capacity, all customers should be seated and served by waiter/ess service.

3. A condition be added that *'Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.'*
4. A condition be added that *'No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.'*
5. A condition be added that *'A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.'*
6. If off sales are permitted, a condition is added that *'There shall be no sales of alcohol for consumption off the premises after 23.00.'*
7. A condition is added that *'All servicing, including waste collections, bottle collections and deliveries and other collections must take place between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.'*

We would welcome further information from the applicant as to the proposed operation; arrangements for smokers; and whether the applicant intends to utilise a delivery service for food/drink.

I should be extremely grateful if this letter could be included in the LSC Report.

47 Great Marlborough Street

Relevant planning conditions – ref:17/05944/FULL

19. Customers shall not be permitted within the restaurant premises before 07.00 hours or after 24.00 hours (midnight) each day. (C12AD)

20. You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

21. You must not operate a delivery service from the restaurant premises.

22. Any bar area within the restaurant must be ancillary to the restaurant use and must be used to serve restaurant customers only, before, during or after their meals. You must only use the rest of the premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05FB)

24. You must apply to us for approval of a management plan which should include the number of covers and as a minimum should show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB)

There is no licence or appeal history for the premises.

## **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



## Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant:-
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. Notwithstanding condition 9 customers may be supplied alcohol in the basement before, during or after their meal.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (300) persons.

18. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. Before the premises are open to the public, the plans deposited with the application (or subsequently substituted plans where there have been changes to layout) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

### **Conditions proposed by the Environmental Health**

None

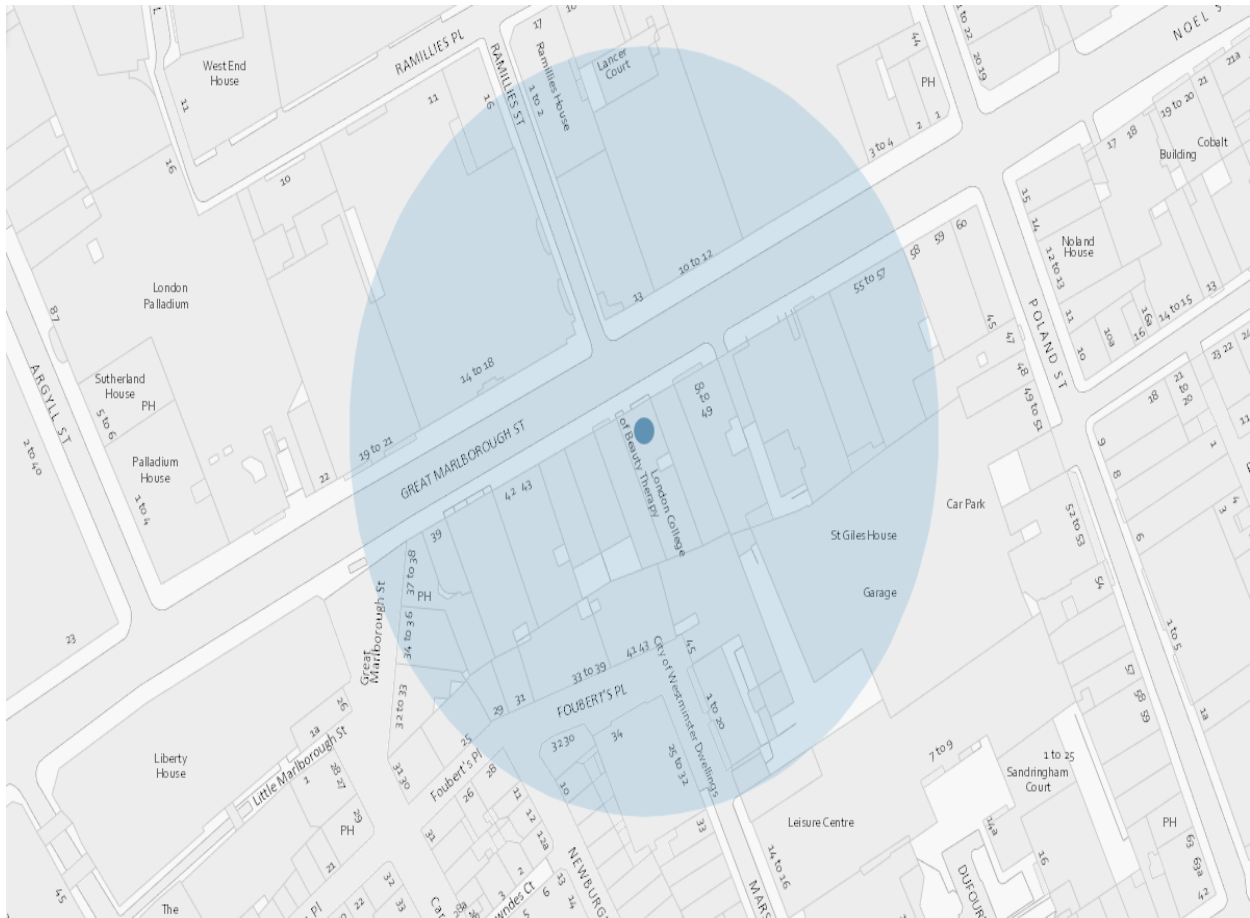
### **Conditions proposed by the Police**

None

### **Conditions proposed by Interested Party**

26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.'

27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
29. There shall be no sales of alcohol for consumption off the premises after 23.00.
30. All servicing, including waste collections, bottle collections and deliveries and other collections must take place between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.'



Resident Count: 45

**Licensed Premises within a 75 meters of 47 Great Marlborough Street**

17/12451/LIPDPS	Ping Pong	45 Great Marlborough Street London W1F 7JN	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 00:00
18/08039/LIPDPS	Wagamama	42 Great Marlborough Street London	Restaurant	Monday to Saturday; 08:00 - 23:30   Sunday; 08:00 - 22:30
19/04611/LIPDPS	Sony Computer Entertainment	10 Great Marlborough Street London W1F 7LP	Cafe within another property	Monday to Wednesday; 08:00 - 17:30   Thursday to Friday; 08:00 - 20:00

19/00585/LIPDPS	Le Pain Quotidien	18 Great Marlborough Street London W1F 7HU	Restaurant	Monday to Thursday; 07:00 - 23:30   Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Sundays before Bank Holidays; 08:00 - 00:00
12/03140/LIPVM	Cowshed Shop Soho	31 Foubert's Place London W1F 7QF	Hairdresser or beauty salon	Monday to Saturday; 10:00 - 22:00   Sunday; 11:00 - 17:00
18/14975/LIPVM	ONeills	37-38 Great Marlborough Street London W1F 7JF	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Sundays before Bank Holidays; 07:00 - 00:00
18/10231/LIPT	Flatplanet	Ground Floor 37 - 39 Great Marlborough Street London W1F 7JB	Cafe	Monday to Sunday; 08:00 - 23:00
16/06296/LIPDPS	Leon	Ground Floor 35 - 36 Great Marlborough Street London W1F 7JB	Public house or pub restaurant	Monday to Sunday; 08:00 - 00:00
17/04926/LIPDPS	Molinare	34 - 42 Foubert's Place London W1F 7PU	Office	Monday to Sunday; 00:00 - 00:00
10/02121/LIPDPS	The Courthouse Hotel	Magistrates Court 19 - 21 Great Marlborough Street London W1F 7HH	Hotel, 4+ star or major chain	Monday to Sunday; 09:00 - 00:30
15/01434/LIPDPS	The Photographers Gallery	16-18 Ramillies Street London W1F 7LW	Cafe	Monday to Wednesday; 09:00 - 18:00   Thursday; 09:00 - 20:00   Friday; 09:00 - 18:00   Saturday; 10:00 - 18:00   Sunday; 11:30 - 18:00

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